

Please insert the heading "SUMMARY OF THE INVENTION" on page 2, line 29, following the paragraph ending with "...road surfaces as traffic markers", and before the paragraph beginning with "The present invention...".

Please insert the heading "DETAILED DESCRIPTION OF THE INVENTION" on page 4, line 5, following the paragraph ending with "...the composite is a traffic marking", and before the paragraph beginning with "The term 'binder polymer'...".

In the Claims

Please amend the claims as follows:

1. [amended] A composite on a surface of a substrate, wherein said composite comprises:

- a) a first coating comprising pigment and binder polymer;
- b) reflective beads; and
- c) a clear coating, comprising binder polymer,

wherein said surface of said substrate is a road surface, and said composite is a traffic marking.

Please cancel claim 8.

RESPONSE

Claims 1-17 were pending in this application. Applicant previously elected to prosecute claims 1-8. The Examiner has:

- A. Objected to the specification;
- B. Rejected claim 7 under U.S.C. 35 §112(second paragraph);
- C. Rejected claims 1, 6 and 8 under U.S.C. 35 §102(b) as anticipated by Bailey U.S. Patent Number 4,950,525;

- D. Rejected claims 1 and 6 under U.S.C. 35 §102(b) as anticipated by Phillips U.S. Patent Number 5,977,263;
- E. Rejected claims 1-6 under U.S.C. 35 §102(b) as anticipated by Klein U.S. Patent Number 5,882,771;
- F. Rejected claims 2-5 under U.S.C. 35 §102(b) as anticipated by Bailey U.S. Patent Number 4,950,525, or in the alternative as obvious under U.S.C. 35 §103(a) over Bailey U.S. Patent Number 4,950,525;
- G. Rejected claims 2-5 under U.S.C. 35 §102(b) as anticipated by Phillips U.S. Patent Number 5,977,263, or in the alternative as obvious under U.S.C. 35 §103(a) over Phillips U.S. Patent Number 5,977,263;
- H. Rejected claim 7 under U.S.C. 35 §103(a) over Bailey U.S. Patent Number 4,950,525, Phillips U.S. Patent Number 5,977,263, or Klein U.S. Patent Number 5,882,771 in view of Pohto U.S. Patent Number 5,514,441;
- I. Rejected claim 8 under U.S.C. 35 §103(a) over Phillips U.S. Patent Number 5,977,263, or Klein U.S. Patent Number 5,882,771 in view of Bailey U.S. Patent Number 4,950,525.

Applicants are herein amending claim 1 and 5, and canceling claim 8. Applicants respectfully submit that the amendments do not introduce new matter because they are supported by language in the specification on page 2, lines 7-10, and page 17, lines 15-16.

A. Objection to Specification

The Examiner has objected to the specification, asserting that the specification lacks section headings. Applicants are herein amending the specification to include section headings. Applicant therefore respectfully requests that the Examiner withdraw the objection to the specification.

B. Rejection under 35 U.S.C. § 112 (Second Paragraph)

The Examiner has rejected claim 7 under 35 U.S.C. § 112 (second paragraph), asserting that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner has rejected claim 7 asserting that it is not clear which materials constitute absorbers of the following type: “organic super absorbent polymer”, “ion exchange resin”, “hollow sphere polymer”, “molecular sieve”, “inorganic absorber”, “porous carbonaceous material”, and “non-porous carbonaceous material”. Applicant respectfully traverses, and submits that it is clear which materials constitute each of the above types of absorber. It is well known in the art that each of these materials are useful for absorbing water, as evidenced by the fact that references such as U.S. Patent Number 6,475,556 (column 3, lines 47-53; column 4 lines 4-10; and claim 1) cite these materials as being useful as water absorbers. Further, the mechanism by which these materials so absorb is well known by those of ordinary skill in the art. It is well known in the art that these are solid materials that, when placed in the presence of water, will hydrate their surfaces (whether external surfaces, or surfaces of internal cores), with large amounts of water, thereby removing the water from the environments in which they are placed.

The Examiner asserts that it is unclear what constitutes an absorber of the type, “organic super absorbent polymer”. Applicant respectfully traverses because, as noted above, super absorbent polymers are well known to those of ordinary skill in the art for their water absorption properties. As noted on page 21 of the specification, “the water absorbent resins of this class” are well known in the art. This is evidenced by the fact that Applicant has cited twenty three different references that list examples of super absorbent polymers known in the art. Further, Applicant has provided examples of commercially available organic super absorbent polymers. Applicant therefore respectfully submits that the term “super absorbent polymer” is clear and definite.

The Examiner asserts that it is unclear what constitutes an absorber of the type, “ion exchange resin”. Applicant respectfully traverses because, as noted above, ion exchange resins are well known to those of ordinary skill in the art for their water absorption properties. This is evidenced by the fact that other references, such as US-A-5,947,632, which was cited by Applicant, provide examples of ion exchange resins useful as water absorbers. Further, Applicant has provided examples of commercially available ion exchange resins, as well as information pertaining to properties of ion exchange resins. Additionally, as noted on page 20 of the specification, “any ion exchange resin may be used as an absorber in the present invention”, thus the term is broad enough to encompass all materials belonging to the class of ion exchange resin. Applicant therefore respectfully submits that the term “ion exchange resin” is clear and definite.

The Examiner asserts that it is unclear what constitutes an absorber of the type, “hollow sphere polymer”. Applicant respectfully traverses because, as noted above, hollow sphere polymers are well known to those of ordinary skill in the art for their water absorption properties. This is evidenced by the fact that other references, such as US-5,947,632 (column 3, line 3 and claim 2) state that hollow sphere polymers are useful as water absorbers. Further, in the specification, Applicant has provided examples of commercially available hollow sphere polymers. The processes for preparing hollow sphere polymers are also well known in the art, as evidenced by the fact that Applicant has cited nineteen different references that provide examples of conventional processes their preparation of. Applicant therefore respectfully submits that the term “hollow sphere polymer” is clear and definite.

The Examiner asserts that it is unclear what constitutes an absorber of the type, “molecular sieve”. Applicant respectfully traverses because, as noted above, molecular sieves are well known to those of ordinary skill in the art for their water absorption properties. This is evidenced by the fact that other references, such as US-6,475,556 (column 4, line 8 and claim 1) state that molecular sieves are useful as water absorbers. Further, Applicant has provided examples of molecular sieves that are suitable for use as absorbers. Applicant therefore respectfully submits that the term “molecular sieve” is clear and definite.

The Examiner asserts that it is unclear what constitutes an absorber of the type, “inorganic absorbent”. Applicant respectfully traverses because, as noted above, inorganic absorbents are well known to those of ordinary skill in the art for their water absorption properties. This is evidenced by the fact that other references, such as US-6,475,556 (column 3, lines 47-48 and 51-52, and claim 1) state that inorganic absorbent compounds are useful as water absorbers. Further, Applicant has provided examples of inorganic materials that are suitable for use as absorbers. Applicant therefore respectfully submits that the term “inorganic absorbent” is clear and definite.

The Examiner asserts that it is unclear what constitutes an absorber of the type, “porous carbonaceous material”. Applicant respectfully traverses because, as noted above, porous carbonaceous materials are well known to those of ordinary skill in the art for their water absorption properties. This is evidenced by the fact that other references, such as US-6,475,556 (column 4, line 5 and claim 1) state that porous carbonaceous materials are useful as water absorbers. Applicant therefore respectfully submits that the term “porous carbonaceous material” is clear and definite.

The Examiner asserts that it is unclear what constitutes an absorber of the type, “non-porous carbonaceous material”. Applicant respectfully traverses because, as noted above, non-porous carbonaceous materials are well known to those of ordinary skill in the art for their water absorption properties. This is evidenced by the fact that other references, such as US-6,475,556 (column 4, lines 4-5 and claim 1) state that non-porous carbonaceous materials are useful as water absorbers. Applicant therefore respectfully submits that the term “non-porous carbonaceous material” is clear and definite.

For the above-mentioned reasons, Applicant respectfully requests that the Examiner withdraw the rejection of claim 7 under 35 U.S.C. § 112 (second paragraph).

C. Rejection under 35 U.S.C. § 102(b) over Bailey U.S. Patent Number 4,950,525

The Examiner has rejected claims 1, 6 and 8 under 35 U.S.C. §102(b), over the Bailey reference [U.S. Patent Number 4,950,525], asserting that Bailey has all of the claimed elements. Applicant respectfully traverses because Bailey does not disclose a composite on a surface of a substrate, “wherein said surface of said substrate is a road surface and said composite is a traffic marking”, which are required elements of Applicant’s claim 1, as amended.

The Examiner asserts that Bailey’s elastomeric embedded-lens retroreflective sheeting has all of the elements of Applicants’ invention. Applicant respectfully traverses because Bailey does not disclose the application of his sheeting directly to a road surface. Bailey’s statement that

“sheeting of the invention is especially adapted to pavement markings, in which the sheeting is typically adhered to a base support that is adapted to be adhered to a paved surface.” (Column 10, lines 34-37) makes it clear that where his sheeting is used for marking pavements, the sheeting is not applied directly to the pavement surface. Rather, it is first applied to a base plate which is adhered to the pavement surface. Thus, Bailey does not disclose a composite on a surface of a substrate, “wherein said surface of said substrate is a road surface and said composite is a traffic marking”, which are required elements of Applicant’s claim 1, as amended. Further, the only examples of sheetings suitable as pavement marking disclosed by Bailey, “tapes of extended length” and “discrete articles spaced along the length of a roadway” (column 10, lines 38-41) are in the form of a solid. Bailey therefore does not disclose the application of his sheeting in the form of a liquid, when used for pavement markings. Conversely, Applicant’s first coating composition and clear coating composition are allowed to dry, or are caused to dry only after Applicant’s composite has been applied to the road surface. Thus, Applicant’s composite is applied while in the form of a liquid.

As noted above, Bailey does not disclose application of his sheeting directly to a road surface. Even assuming arguendo that one of ordinary skill in the art were to apply Bailey’s sheeting directly to a road surface, his sheeting would still differ from Applicant’s composite on a road surface. First, Bailey’s sheeting is usually in laminated form, and thus applied to a

substrate in the form of a solid. Applicant's composite, on the other hand, is applied in the form of a first coating, and a second coating, both of which are applied in the form of a liquid. Second, even if Bailey's sheeting were to be prepared by non-lamination processes, one of ordinary skill in the art applying Bailey's sheeting directly to a road surface, would still not have Applicant's invention because Applicant is able to achieve sufficient retroreflectance for enhanced night-time visibility of drivers of vehicles with fewer coating layers than Bailey's sheeting layers. Applicant's invention utilizes only a first coating and a second coating, while Bailey's invention requires a spacing layer, a cover layer, and a secularly reflective layer. Applicant's ability achieve the desired retroreflectance with fewer coating layers than Bailey's sheeting layers constitutes an improvement in the art.

For the abovementioned reasons, Applicant respectfully submits that claims 1, 6 and 8 are patentable over Bailey, and request that the Examiner withdraw the rejection of claims 1, 6 and 8 under 35 U.S.C. §102(b).

D. Rejection under 35 U.S.C. § 102(b) over Phillips U.S. Patent Number 5,977,263

The Examiner has rejected claims 1 and 6 under 35 U.S.C. §102(b), over the Phillips reference [U.S. Patent Number 5,977,263], asserting that Park has all of the claimed elements. Applicants respectfully traverse because the Phillips' graphic article is a preformed sheet, unlike Applicant's composite, which is not a preformed sheet.

The Examiner asserts that Phillips' graphic article has all of the elements of Applicant's composite. Applicant respectfully traverses because Phillip's graphic article is a solid, preformed sheet. The fact that Phillips' graphic article is a solid, even before application to a substrate, is evidenced by (1) Phillips' reference to his invention as an "article" which indicates a solid, physical object; (2) Phillips' statement that "the graphic articles of the invention may pass through a cutting station" (column 12, lines 61-62); (3) the depiction in Figure 5 of a solid graphic article **100**; and (4) the fact that the color layer is transferred from the thermal transfer article to the graphic article under heat and pressure. As noted in section (C) above, Applicant's composite does not take on the form of a solid until after the first coating and the clear coating

have been applied and dried, or allowed to dry. Thus, Phillips does not disclose the composite of Applicants' invention, as defined by claim 1.

Further, Phillips' statement that his functional graphic articles impart weather protection and wear resistance to the outdoor surface on which his graphical article is applied indicates that in addition to the provision of retroreflectance, the provision of such weather protection and wear resistance is a goal of his invention. Applicant, on the other hand, is not at all concerned about providing weather protection or wear resistance to the road. Rather, the object of Applicant's invention is to provide wear resistance for the road marking itself, in order to preserve the retroreflectance of the road marking over time.

For the abovementioned reasons, Applicant respectfully submits that claims 1 and 6 are patentable over Phillips, and request that the Examiner withdraw the rejection of claims 1 and 6 under 35 U.S.C. §102(b).

E. Rejection under 35 U.S.C. § 102(b) over Klein U.S. Patent Number 5,882,771

The Examiner has rejected claims 1-6 under 35 U.S.C. §102(b), over the Klein reference [U.S. Patent Number 5,882,771], asserting that Klein has all of the claimed elements. Applicants respectfully traverse because (1) the formation of Klein's retroreflective sheeting requires the application of heat for purposes of curing, and (2) Klein's retroreflective sheeting is a preformed sheet, unlike Applicant's composite, which is not a preformed sheet.

The Examiner asserts that Klein's retroreflective sheeting has all of the elements of Applicant's composite. Applicant respectfully traverses because Klein's retroreflective sheeting cannot be made without the application of heat, which is a required element of Applicant's invention, as defined by claims 1-7. The formation of Klein's retroreflective sheeting requires the application of heat, while the composite of Applicant's invention formed without the use of heat. The method by which Klein's retroreflective sheeting is prepared requires the heating of a key element of his invention, the uncured bead bond composition, "to a temperature and for a time effective to crosslink the polymer", after the optical elements have been deposited into the

uncured bead bond layer (column 2, lines 28-31; and column 15, lines 38-58). Since the composite of Applicant's invention is made without the application of heat, Applicant respectfully asserts that Klein does not disclose the composite of Applicants' invention, as defined by claims 1-6.

Applicant further respectfully traverses because Klein's retroreflective sheeting is a solid, preformed sheet, even before application to a substrate. Klein discloses that where the sheeting is placed on a substrate supporting the sheeting, the retroreflective sheeting comprises optical elements, a specularly reflective layer, a spacing layer, a bead bond layer, and additionally, an layer of adhesive (column 2, lines 7-20, and claim 20). Klein further discloses that the adhesive is either coated from solution on a silicone release-coated paper backing, dried, and then laminated to the reflective layer or bead bond layer, or alternatively, the adhesive is directly applied to the reflective layer or bead bond layer, and the release-treated paper backing is laminated to the adhesive layer to complete the reflective product. One of ordinary skill in the art knows that in the former case, if the bottom layer of the sheeting is laminated onto a different layer of material, then that different layer of material, here the reflective layer or bead bond layer, must be a solid. Further, one of ordinary skill in the art knows that in the latter case, if the release-treated paper backing is laminated onto the bottom layer of the sheeting, here the adhesive layer, then that adhesive paper layer must be a solid. Therefore, in either case, the sheeting must be in the form of a solid prior to adhesion to a substrate surface. As noted in section (C) above, Applicant's composite does not take on the form of a solid until after the first coating and the clear coating have been applied and dried, or allowed to dry. Thus, Klein does not disclose the composite of Applicants' invention, as defined by claims 1-6.

For the abovementioned reasons, Applicant respectfully submits that claims 1-6 are patentable over Klein, and request that the Examiner withdraw the rejection of claims 1-6 under 35 U.S.C. §102(b).

F. Rejection under 35 U.S.C. § 102(b), or in the alternative under 35 U.S.C. § 103(a) over Bailey U.S. Patent Number 4,950,525

The Examiner has rejected claims 2-5 under 35 U.S.C. §102(b), asserting that Bailey [U.S. Patent Number 4,950,525] has all of the claimed elements, or in the alternative under 35 U.S.C. §103(a), asserting that the claims are obvious over the Bailey reference.

The Examiner asserts that claims 2-5 are anticipated by Bailey because the limitations of those claims are inherent to Bailey's sheeting. Applicant respectfully traverses the rejection under 35 U.S.C. §102(b) because, as noted in (C) above, claim 1 is not anticipated by Bailey because (1) Bailey does not disclose the application of his sheeting directly to a road surface, rather he discloses application of his sheeting to a base plate which is adhered to a paved surface; (2) even assuming arguendo that one of ordinary skill in the art were to apply Bailey's solid laminated sheeting directly to a road surface, they would not achieve Applicant's invention because Applicant's composite is not applied in the form of a solid; (3) even assuming arguendo that one of ordinary skill in the art were to apply Bailey's non-laminated sheeting directly to the surface of a road surface, they would not achieve Applicant's invention because Applicant's composite sufficient retroreflectance for enhanced nighttime visibility with fewer coating layers than Bailey's sheeting layers. Since claim 1 is not anticipated by Bailey, it follows that claims depending from claim 1, including claims 2-5, are likewise not anticipated by Bailey. Thus the rejection of claims 2-5 under 35 U.S.C. §102(b) over Bailey is moot.

The Examiner asserts that claims 2-5 are obvious over Bailey because the limitations of those claims are obvious to one skilled in the art reading Bailey. Applicant respectfully traverses the rejection under 35 U.S.C. §103(a) because Bailey does not teach or suggest the application of his sheeting, whether in solid laminated form, or in non-laminated form, directly to a road surface. Rather, by disclosing the application of his sheeting to a base support which is adhered to the paved surface, Bailey teaches away from application of his sheeting directly to a road surface, which is a required element of Applicant's invention, as defined by claim 1. Thus, nothing in Bailey provides any motivation to one of ordinary skill in the art to apply his sheeting directly to a road surface.

Applicant further traverses because Bailey does not teach or suggest that sufficient retroreflectance can be achieved using fewer layers than those disclosed by Bailey. The traffic marking of Applicant's invention is used to enhance nighttime visibility for drivers of vehicles. Applicant achieves this objective by using a composite having a first coating, a clear coating, and glass beads, while at the same time diminishing the loss of reflectance of the road marking over time. Bailey discloses a retroreflective sheeting having a spacing layer, a cover layer, a specularly reflective layer, and microspheres. One of ordinary skill in the art reading Bailey would not be motivated to use fewer sheeting layers than those disclosed by Bailey because nothing in Bailey suggests that sufficient retroreflectance for enhanced nighttime visibility of a road surface can be achieved with fewer layers than those disclosed by Bailey. This is particularly true due to the presence of the specularly reflective layer. By disclosing that deformities such as cracking of the specularly reflective layer cause a reduction in retroreflectance (column 1, lines 43), Bailey motivates one of ordinary skill in the art not to modify his sheeting by removing the specularly reflective layer from his sheeting. Bailey therefore does not motivate one of ordinary skill in the art to apply to a road surface a composite having fewer layers than those of Bailey's sheeting, and thus does not motivate one of ordinary skill in the art to apply the composite of Applicant's invention. The glass transition temperature and the percent visible light transmission of Bailey's sheeting are not relevant because, even assuming arguendo that one of ordinary skill in the art were to apply Bailey's sheeting directly to a road surface, and even assuming arguendo that this sheeting were to have the same glass transition temperature and the same percent visible light transmission as Applicant's invention, Bailey would still not provide such motivation.

For the abovementioned reasons, Applicant respectfully submits that claims 2-5 are patentable over Bailey, and request that the Examiner withdraw the rejection of claims 2-5 under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a).

G. Rejection under 35 U.S.C. § 102(b), or in the alternative under 35 U.S.C. § 103(a) over Phillips U.S. Patent Number 5,977,263

The Examiner has rejected claims 2-5 under 35 U.S.C. §102(b), asserting that Phillips [U.S. Patent Number 5,977,263] has all of the claimed elements, or in the alternative under 35 U.S.C. §103(a), asserting that the claims are obvious over the Phillips reference.

The Examiner asserts that claims 2-5 are anticipated by Phillips because the limitations of those claims are inherent to Bailey's sheeting. Applicant respectfully traverses the rejection under 35 U.S.C. §102(b) because, as noted in (D) above, claim 1 is not anticipated by Phillips because Phillips does not disclose a retroreflective composite that is applied to a road surface in the form of a liquid, rather, he discloses a solid graphic article which is in the form a preformed sheet. Since claim 1 is not anticipated by Phillips, it follows that claims depending from claim 1, including claims 2-5, are likewise not anticipated by Phillips. Thus the rejection of claims 2-5 under 35 U.S.C. §102(b) over Bailey is moot.

The Examiner asserts that claims 2-5 are obvious over Phillips because the limitations of those claims are obvious to one of ordinary skill in the art reading Phillips. Applicant respectfully traverses the rejection under 35 U.S.C. §103(a) because Phillips does not teach or suggest the application of a first coating and clear coating, both in the form of a liquid, to a road surface, which are required elements of Applicant's invention as defined by claims 1-7. Rather, Phillips teaches away from the application of his graphic article in the form of a liquid by (1) always referring to his graphic article as an "article" which one of ordinary skill in the art would interpret to mean a solid physical object; (2) disclosing that the graphic article can be cut (column 12, lines 61-62); (3) representing the graphic article as a solid on which the color layer is stamped under heat and/or pressure (column 12, lines 48-50 and figure 4); and (3) not teaching or suggesting that the graphic article can be anything other than a solid article. Nothing in Phillips provides any motivation to one of ordinary skill in the art to modify his invention by applying the layers of his graphic article to a road surface in the form of a liquid. Thus, Phillips does not motivate one of ordinary skill in the art to make a composite on a substrate, the composite having a first coating, a clear coating, both of which are applied in the form of a

liquid, and glass beads, which are required elements of Applicant's invention. The glass transition temperature and the percent visible light transmission of Phillip's graphic article are not relevant because, even assuming arguendo that one of ordinary skill in the art were to apply Phillips' sheeting directly to a road surface, and even assuming arguendo that this sheeting were to have the same glass transition temperature and the same percent visible light transmission as Applicant's invention, Phillips would still not provide such motivation.

For the abovementioned reasons, Applicant respectfully submits that claims 2-5 are patentable over Bailey, and request that the Examiner withdraw the rejection of claims 2-5 under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a).

H. Rejection under 35 U.S.C. § 103(a) over Bailey U.S. Patent Number 4,950,525, or Phillips U.S. Patent Number 5,977,263, or Klein U.S. Patent Number 5,882,771, in view of Pohto et al U.S. Patent Number 5,514,441

The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) asserting that the claim is obvious over Bailey [U.S. Patent Number 4,950,525], or Phillips [U.S. Patent Number 5,977,263], or Klein [U.S. Patent Number 5,882,771], in view of Pohto [U.S. Patent Number 5,514,441]. Applicant respectfully traverses because absorbers of the Pohto invention are not useful as water absorbers, which is a required element of Applicant's invention, as defined by claim 7.

The Examiner asserts that Applicant's invention is obvious because one of ordinary skill in the art would know to add Pohto's ultraviolet light absorbers to the inventions of Bailey, Phillips, or Klein. Applicant respectfully traverses because the absorbers of the Pohto invention are not useful for the absorption of water, which is a required element of Applicant's invention, as defined by claim 7. As noted in (B) above, it is well known to those of ordinary skill in the art that the materials listed by Applicant as absorbers are useful for purposes of the absorption of water. Those of ordinary skill in the art know that the claimed materials are solid materials that tend to be very hydrophobic, and that when placed in the presence of water, will hydrate their

surfaces (whether external surfaces or the surfaces of internal cores) with large amounts of water, thus removing water from the environments in which they are placed. The purpose for adding water absorbers to the composite of Applicant's invention is to speed the drying of the applied road marking. On the contrary, Pohto's objective for applying his ultraviolet absorbers to the composition of his invention is to promote the absorption of light. The materials cited by Pohto as suitable for use as ultraviolet absorbers are not suitable for absorbing water because (1) due to their small size, these molecules do not provide sufficient surface area for effective water absorption; (2) these molecules tend to be hydrophobic; and (3) these materials are typically used in quantities far below the levels at which water absorbers are used in coating materials. Thus, Pohto does not motivate one of ordinary skill in the art to add the water absorbers of Applicant's invention to a coating composition, which is a required element of Applicant's invention, as defined by claim 7.

For the abovementioned reasons, Applicant respectfully submits that claim 7 is patentable over Bailey, Phillips, and Klein in light of Pohto, and request that the Examiner withdraw the rejection of claim 7 under 35 U.S.C. § 103(a).

I. Rejection under 35 U.S.C. § 103(a) over Phillips U.S. Patent Number 5,977,263, or Klein U.S. Patent Number 5,882,771, in view of Bailey U.S. Patent Number 4,950,525.

The Examiner has rejected claim 8 under 35 U.S.C. §103(a) asserting that the claim is obvious over Phillips [U.S. Patent Number 5,977,263], or Klein [U.S. Patent Number 5,882,771], in view of Bailey [U.S. Patent Number 4,950,525]. Applicant respectfully traverses because Bailey does not disclose application of his sheeting directly to a road surface.

The Examiner asserts that Applicant's invention is obvious, because one of ordinary skill in the art reading Phillips or Klein in combination with Bailey would know to apply the Phillips' graphic article, or Klein's sheeting to a road surface. Applicant respectfully traverses because, as noted in (C) and (F) above, Bailey does not disclose, teach, or suggest application of his sheeting directly to a road surface. Rather, he teaches away from such direct application by disclosing the application of his sheeting to a base plate which is then adhered to a paved surface. Thus, one